

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CAPRICE ELECTRONICS, INC,

Plaintiff,

-against-

THE HANOVER INSURANCE GROUP  
d/b/a The Hanover Insurance Company,

Defendant.

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RACHEL P. KOVNER, United States District Judge:

**MEMORANDUM AND ORDER**  
20-CV-5670 (RPK) (SJB)

Plaintiff Caprice Electronics, Inc., brought an action against The Hanover Insurance Group in the Supreme Court for the State of New York, Kings County. *See* Verified Compl. (Dkt. #1-2). The complaint alleges that defendant breached an insurance contract and acted in bad faith. *See id.* ¶¶ 5-18. Defendant removed that action to this Court. *See* Notice of Removal (Dkt. #1). Plaintiff moved to remand this action back to state court. *See* Mot. to Remand (Dkt. #5).

I referred plaintiff's remand motion to Judge Sanket J. Bulsara, who has recommended that the motion be granted. *See* Report and Recommendation ("R. & R.") at 8 (Dkt. #17). No party has objected to the R. & R. within the time required by Section 636(b)(1).

A district court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). When no party has objected to a magistrate judge's recommendation, the recommendation is reviewed, at most, for "clear error." *See* Fed. R. Civ. P. 72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see, e.g., Alvarez Sosa v. Barr*, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will only be found only when, upon review of the entire

record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006). I have reviewed Judge Bulsara’s recommendation and, having found no clear error, adopt it in full. The remand motion is granted. The Clerk of Court is directed to remand this action back to Kings County.

SO ORDERED.

/s/ Rachel Kovner  
RACHEL P. KOVNER  
United States District Judge

Dated: May 25, 2021  
Brooklyn, New York